

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 08-45255

Najah Fawaz,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER OVERRULING, WITHOUT PREJUDICE,  
TRUSTEE'S OBJECTION TO PROOF OF CLAIM NUMBER 5, 6 BY CLAIMANT  
SAXON MORTGAGE SERVICE AND CITIMORTGAGE, INC.**

This case is before the Court on the "Trustee's Objection to Proof of Claim Number 5, 6 by Claimant Saxon Mortgage Service and Citimortgage, Inc.," filed March 23, 2010 (Docket # 49, the "Objection"). No response to the Objection has been filed. The Court must overrule the Objection, without prejudice, however, because the notice of the Objection was defective.

The Notice of the Objection states that a response to the Objection must be filed no later than **10 days** before the hearing. But the Objection was filed after the December 1, 2009 effective date of the national and local rule amendments, so the notice should have stated "that if the creditor does not file a response by **7 days** before the date set for the hearing on the objection, the Court may cancel the hearing and enter an order sustaining the objection." (*See* L.B.R. 3007-1(a) (E.D. Mich.).)

Because the movant failed to file and serve a notice that complied with L.B.R. 3007-1(a) (as amended effective December 1, 2009),

IT IS ORDERED that the Objection (Docket# 49), is OVERRULED, without prejudice.

**Signed on May 11, 2010**

/s/ Thomas J. Tucker  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**